

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: GANDEL; Pierre

SERIAL NO.: 10/505,246

ART UNIT: 2834

FILED: April 22, 2005

EXAMINER: Preston, E.D.

TITLE: LINEAR ACTUATOR COMPRISING A BRUSHLESS POLYPHASE ELECTRIC
MOTOR

Amendment F: REMARKS

Upon entry of the present amendments, previous Claims 54 - 61 have been canceled and new Claims 62 - 68 substituted therefor. Claims 1-53 were canceled in previous amendments. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the application into a proper condition for allowance. The present amendment is being submitted under 37 C.F.R. § 1.116 as an after-final amendment to conform the claims as required in the final Office action of 23 February 2009.

In the Office Action, Claims 54 - 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Miller patent in view of the Gruber patent. Claim 57 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Miller patent and the Gruber patent in view of the Akagi patent. Claim 58 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Miller patent and the Gruber patent in view of the Lamb patent. Claims 60 and 61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Miller patent and the Gruber patent in view of the Wright patent. Claims 54 - 61 were also objected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant

regards as the invention. Importantly, it was indicated that Claim 59 would be allowable if rewritten to overcome the formality objections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claims and any intervening claims.

Although Applicant respectfully disagrees with the prior art rejections, Applicant is desirous of securing patent protection for the present invention at an early date. As such, Applicant has placed that “objected to” Claim 59 into a proper independent form.

In particular, new independent Claim 62 incorporates the limitations of previous independent Claim 54, along with the limitations of dependent Claim 59. As such, independent Claim 62 should be in a proper condition for allowance. Dependent Claims 63 - 64 reflect the limitations found in previous dependent Claims 55 - 58. Dependent Claims 67 and 68 reflect the limitations, respectively, of previous dependent Claims 60 and 61.

Applicant has also revised the language found in new independent Claim 62 so as to include the suggested term “separate from” instead of the term “independent of” so as to properly address the 35 U.S.C. § 112, second paragraph, objections.

Based upon the foregoing analysis, Applicant contends that independent Claim 62 is now in proper condition for allowance. Additionally, those claims which are dependent upon this independent claim should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

May 26, 2009
Date

/Andrew W. Chu/
John S. Egbert; Reg. No. 30,627

Customer No. 24106

Andrew W. Chu; Reg. No. 46,625
Egbert Law Offices PLLC
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 fax